THE INDIAN TRAMWAYS ACT, 1886 (XI OF 1886).

G. N., P. W. D., No. 84, dated 9th Nov. 1887 (B. G., Pt. I, p. 899). S. 2

Under the provisions of section 2 of the Indian Tramways Act, 1886, the Governor in Council is pleased to extend the said Act to the whole of the State of Bombay, except the City of Bombay.

G. N., G. D., No. 3097, dated 15th July 1896 (B. G., Pt. I, p. 691). S. 26 State of Bombay Tramway Rules.

Amended by G. N., P. W. D., No. 2322/36, dated 23rd February 1939.
Amended by G. N., P. W. D., No. 2322/36, dated 25th July 1942.

The following Rules made in exercise of the powers conferred on the Governor in Council by the Indian Tramways Act, 1886, are published under section 26 of the said Act for general information :—

RULES.

1. *Short title.*—The Rules may be cited as "The State of Bombay Tramway Rules".

They shall apply to all tramways in the State of Bombay which are wholly within a municipal area or which are declared by Parliament by law not to be railways in pursuance of clause (20) of article 366 of the Constitution, constructed under "The Indian Tramways Act, 1886".

2. *Interpretation.*—The several words and expressions defined in section 3 of the Indian Tramways Act, 1886, have in these Rules the same meanings respectively as are therein assigned to them.

3. *Form of application by local authorities for an Order.*—Every application by a local authority for an Order authorizing it to construct a tramway under the Indian Tramways Act, 1886, shall be made in duplicate in the following form :—

"To

The Secretary to the Government of Bombay,

Public Works Department.

Sir,

The (here the local authority applying should be designated by its proper title) having, by resolution passed at a general meeting of the (Local Board, Municipality or other body, as the case may be) duly convened for the purpose, a certified copy of which resolution is hereto annexed, decided that it is desirable that a tramway should be constructed and worked from to a distance of not more than miles, I am instructed to submit this application on their behalf under section 4 of the Indian Tramways Act, 1886, to the State Government for an Order authorizing them to construct the said tramway.

/This application is made with the consent of the , which is the road-authority of the road which is to be traversed by the tramway, as given in the resolution of that , dated , of which a certified copy is hereto annexed [or. The (local authority aforesaid) is the road-authority of the road to be traversed by the tramway, as the case may be].

The particulars required by the State of Bombay Tramway Rules are herewith submitted, as per annexed list."

Such application shall be signed on behalf of the local authority making it by the President, Secretary, or other officer of the body who usually conducts correspondence on its behalf.

4. *Form of application for Order in other cases.*—Every application by any person other than a local authority for an Order authorizing him to construct a tramway under the said Act shall be made in duplicate in the following form and shall be signed by the applicant :—

"To

The Secretary to the Government of Bombay,

Public Works Department.

Sir,

Being desirous of constructing and working a tramway from to , a distance of not more than miles, I (or we) hereby apply under section 4 of the Indian Tramways Act, 1886, to the State Government for an Order authorizing me (or us) to construct the said tramway.

This application is made with the consent of the which is the local authority, and of the which is the road authority (*or* of the , which is both the local authority and the road-authority, *as the case may be*) of the road which is to be traversed by the tramway as given in the resolution (or resolutions) of that body (*or* those bodies respectively) of which a certified copy (*or* certified copies) is (*or* are) hereto annexed.

The particulars required by the State of Bombay Tramway Rules are herewith submitted, as per annexed list."

5. *Approval or consent of local authority to application for Order how to be obtained.*—Whenever it is proposed that a local authority shall make an application for an Order or shall consent to an application for an Order being made under the said Act, the making of such application or the giving of such consent shall be approved by a resolution passed by a majority at a general meeting of the Local Board, Municipality or other body constituting the local authority, duly convened for the purpose.

6. *Plans and sections of works to be submitted by applicants.*—Applicants for an Order under the said Act shall submit with their applications the following plans and drawings in duplicate :—

(1) Map or plan of the district to the scale of not less than six inches to a mile, or, if no such map or plan is procurable, then the best map obtainable, with the proposed tramway marked thereon.

(2) An index plan or diagram, on a scale of not less than two inches to a mile, showing the general location of the proposed tramway.

(3) A drawing consisting of a full-sized section of the proposed rail, and full-sized plan and elevation of the same extending to about nine inches on each side of the joint, and showing how the joint is proposed to be secured.

(*There should be a statement on this drawing giving the material, weight and length of the proposed rail and fish-plates, and the depth and width of the groove.*)

(4) A drawing, on a scale of two inches to the foot, consisting of a plan, cross-section and longitudinal section of the permanent way and substructure of the tramway, and showing the mode of fixing the rails and chairs, if any, and the gauge ties, if any.

(*There should be a statement on this drawing giving the nature of the paving proposed to be adopted between the rails, and for a distance of eighteen inches outside the rails. There should also be on this drawing a plan, on a scale of one inch to a foot, of the points proposed to be employed at single line passing-places and junctions.*)

(5) The drawings required under (2), (3) and (4) should be on tracing cloth.

7. *Deposits required before publication of Order.*—Before an Order authorising the construction of a tramway is published under section 6, sub-section (*4*) the promoters, unless they are a local authority, shall deposit with the Collector of the district within the limits of which it is desired to construct the tramway, a sum in Government paper, or in such other form as the State Government may direct, which shall be equal to five per cent. of the estimated cost of the works or such sum as the State Government may decide.

8. *Receipts for deposits to be given.*—A receipt for all sums or securities so deposited shall be given to the promoters by the officer with whom the same are so deposited.

9. *Deposits to be lodged with the Reserve Bank of India.*—All Government papers so deposited shall be lodged with the Reserve Bank of India.

Investment of deposits.—Any sum deposited in cash may be invested in Government Securities by the officer with whom it is so deposited and such securities shall be lodged by him with the Reserve Bank of India.

10. (1) *Interest on deposits how to be dealt with.*—The interest, if any, accruing due on the Government Securities in the custody of the Reserve Bank of India shall after deducting income-tax and surcharge, if any, be remitted by the Reserve Bank of India to the Officer with whom such securities or the sum invested in such securities were deposited for distribution to the promoters—

(*a*) if the officer is stationed at a place where there is an office of the Reserve Bank of India or a branch of the Imperial Bank of India by means of Government drafts in lieu of Remittance Transfer Receipts, and

(*b*) in other cases by means of Security Deposits Interest payment Drafts on treasuries.

(2) *Fees to be charged in respect of Government Securities.*—The following fees shall in addition to any actual outlay on brokerage, be chargeable by the Reserve Bank of India in respect of Government Securities lodged with the Bank under these rules :—

(*i*) One-eighth per cent. on all purchases and sales of Government securities made by the Bank under these rules.

(*ii*) A commission of annas two on every sum of Rs. 50 or part thereof subject to a minimum charge of annas four for drawing and remitting the interest on the securities, provided that no commission shall be charged for drawing and remitting interest the amount of which is less than Rs. 10.

11. *Forfeiture of deposit and application thereof to liabilities and penalties incurred by promoters.*—At the expiration of the time specified in the Order for the completion and opening of the tramway should the promoter fail to discharge any liability to the State Government or to any local or road authority incurred by him in connection with the tramway, or any penalty which under the provisions of any Order under Section 7 or further Order under Section 8 of the Act he may have incurred, such sum or securities shall be forfeited to the State Government, and the State Government may apply any sum so deposited to the discharge of such liability or penalty or may realise by sale of any such securities any sum so due from the promoter and apply such sum to the discharge of such liability or penalty.

12. *Return of balance to promoter.*—Any surplus, whether as principal or interest, remaining to the credit of the promoter after the discharge of all such liabilities and penalties and after deducting such commission as may be chargeable under Sub-rule (2) of Rule 10 shall be paid or returned to the promoter on his producing and giving up the receipt for the original deposit granted by the officer with whom the original deposit was made and on the promoter giving to the officer who repays or returns such surplus a receipt acknowledging such repayment or return.

13. *Maximum number of passengers that may be carried in each carriage to be notified.*—The maximum number of passengers that may be carried in each carriage shall be distinctly exhibited in a conspicuous place on such carriage in English and in the vernacular language of the district.

14. *Notice to be given by promoter when inspection is desired.*—If the promoter of a tramway desires that the same or any portion thereof shall be inspected under Section 12 of the Indian Tramways Act in view to the same being opened for public traffic, he shall give to the Secretary to Government, Public Works Department, or to such other officer as the State Government from time to time appoints in this behalf, notice in writing of his desire not less than fourteen days before the date on which the tramway or portion thereof will be ready for inspection.

15. *Information to be given of accidents on tramway.*—The manager or chief officer of a tramway shall, within forty-eight hours after the occurrence upon the tramway of—

(*a*) any accident attended with loss of human life or serious injury to person or property,

(*b*) any accident of a description which the State Government may, from time to time, direct to be notified,

give notice thereof to the Secretaries to the Government of Bombay in the Home and Public Works Departments; and shall be responsible that notice of such accident be given in writing or by telegram to the nearest Magistrate and to the officer-in-charge of the police station in the jurisdiction of which the accident occurs and to such other person, if any, as the State Government may from time to time direct.

16. *Fares to be paid on demand.*—Each passenger shall, upon demand, pay to the conductor or other duly authorized officer the fare legally demandable for the journey.

17. *Tickets to be shown and delivered on demand.*—Each passenger shall show his ticket (if any have been supplied to him) when required to do so by any duly authorized servant of the promoter, and shall also deliver up such ticket upon demand to any servant of the promoter duly authorized to collect tickets.

18. *The public prohibited from riding on steps of carriages, etc.*—No passenger or other person, not being a servant of the promoter, shall ride or attempt to ride on the steps or any other part of a carriage upon any tramway, except on those parts which are intended for the accommodation of passengers.

19. *Or on engine.*—No person shall, without permission of the promoter, ride or attempt to ride upon any locomotive engine upon any tramway, or in or upon any vehicle not appropriated to the carriage of passengers.

20. *Loaded fire-arms not allowed in carriage.*—No person shall travel in or on any carriage on a tramway with loaded fire-arms.

21. *Obstruction to tramway employees.*—No person shall wilfully obstruct or impede any officer or servant of the promoter in the execution of his duty in connection with a tramway.

22. *Entering carriage already full, prohibited.*—When any carriage contains the maximum number of passengers fixed by competent authority for such carriage, no additional passenger shall enter, mount, or remain in or on any such carriage when warned by a servant of the promoter not to do so.

23. *Disorderly behaviour, etc., prohibited.*—No person in a state of intoxication shall, after he has been desired by a servant of the promoter not to do so, enter or remain in or on any tramway-carriage, and no person who is suffering from an infectious disease shall enter any tramway carriage, and no person shall commit any nuisance or act of indecency in any tramway-carriage or shall wilfully and without lawful excuse interfere with the comfort of any passenger or extinguish any lamp in any tramway-carriage.

24. *Regulating the use of animal power on tramways.*—When animal power is used the draught animals shall be subject to inspection by the police. The promoter shall afford all reasonable facilities for such inspection, and shall, on an order by a Magistrate, remove any animal found unfit for working on the tramway from such work and shall not re-employ such animal on such work unless and until, on its being again inspected by the police, it has been declared fit for such work by a Police Officer not lower in rank than a Chief Constable.

25. *Front lamp to be provided between sunset and sunrise.*—When any engine or vehicle is run on a tramway between sunset and sunrise, it shall be provided with at least one lamp lighted and brightly burning to the front.

26. *Lamp for convenience of passengers between sunset and sunrise.*—When any vehicle is run on a tramway between sunset and sunrise for the conveyance of passengers, it shall be lighted with a lamp or lamps for the convenience of the passengers using the same.

27. *Manner of publishing rules made by the local authority, promoter or lessee.*—The publication of any rule or rules made by a local authority or by a promoter or lessee under section 24 (*2*) and (*3*) shall be—

(*i*) by insertion once in the *Bombay Government Gazette* and in not less than three issues of a local newspaper (if any);

(*ii*) by affixing copies in English and in the vernacular language of the district in conspicuous spots in the towns or villages served or to be served by the tramway and at stations or other principal places on the line of the tramway.

28 *Penalties.*—Any person committing a breach of Rule 15 shall be punished with fine which may extend to forty rupees, and, for every day after the first during which the breach continues, with fine which may extend to twenty rupees.

Any person committing a breach of any of the foregoing rules, viz., 16, 17, 18, 19, 20, 21, 22, 23, 25 and 26, shall be punished with fine which may extend to twenty rupees.

Any person committing a breach of Rule 24 shall be punished with fine which may extend to twenty rupees, and, for every day after the first during which the breach continues, with fine which may extend to five rupees.

29. *Languages in which orders are to be published.*—Orders authorising the construction of tramways shall be published in the *Bombay Government Gazette* in the following languages as well as in English, viz. :—

In the case of tramways to be constructed in the districts of Belgaum, Dharwar, Kanara and Sholapur-Bijapur—In the Marathi and Kannada languages.

In the case of tramways to be constructed in any other district—In the Marathi and Gujarati languages.

30. *Manner in which local authority shall approve requisition on promoter to sell undertaking.*—The making of any requisition by a local authority requiring a promoter to sell to such local authority his undertaking or any part thereof shall be approved by a resolution passed by a majority at a general meeting of the Local Board, Municipality or other body constituting such local authority duly convened for the purpose.

31. *Notice to be given by local authority of intention to lease undertaking.*—A local authority intending to make a lease of the right of user of any tramway and of demanding and taking the authorized tolls of which it has authority to make lease approved by the State Government, shall give notice of its intention to make such lease in the *Bombay Government Gazette*, in at least one English and one vernacular daily newspaper published in Bombay and in the local newspapers published within its circle. Such notice shall set forth the conditions which will be binding on the lessee.